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Application No. 10/066994
*Page 6**Amendment*
*Attorney Docket No. S63.2B-9090-US01***REMARKS**

This Amendment is in response to the Office Action dated April 5, 2007. Each issue in the Action is address below.

§102 Rejections*(1)*

Claims 61, 63 and 65 were rejected under 35 USC §102(b) as being anticipated by Pickering et al. (US 4194509). As to claims 61, 63 and 65, it is asserted that Pickering et al. (Figs. 1-6) disclose an embodiment of connection proximal shaft 16 to distal shaft 10 by heat shrink tubing 24.

Although Applicant disagrees with the rejection, Applicant has amended claim 61, and therefore dependent claims 63 and 65, by incorporating claim 68. Applicant discussed this amendment with the Examiner and he indicated that it would be acceptable.

(2)

Claims 61 and 63 were rejected under 35 U S C §102(e) as being anticipated by Holman et al. (US 6837897). It is asserted that Holman et al. (Figs 11-12) show proximal shaft 116 overlaps and connects distal shaft 105.

Although Applicant disagrees with the rejection, Applicant has amended claim 61, and therefore dependent claim 63, by incorporating claim 68. Applicant discussed this amendment with the Examiner and he indicated that it would be acceptable.

§103 Rejections

Claims 64, 66, 68-74 and 88 were rejected under 35 USC §103(a) as being unpatentable over Holman et al. (US 6837897) in view of Crittenden (US 5290247). A full account of the rejection may be found on pages 3-4 of the Office Action.

In response, Applicant asserts that, under 35 USC §103(c), Holman et al. (US 6837897) can not be used as prior art because, as conspicuously stated below, the rejected claimed invention of the present application and Holman et al (US 6837897) were owned by the same entity or subject to an obligation of assignment to the same entity at the time of invention.

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It is asserted in paragraph 1 of page 3 of the office action that Holman et al. additionally qualifies as prior art under another subsection of 35 USC §102 other than §102(e). However, the specific subsection was not indicated. In a telephone call with the Examiner, it was indicated by the Examiner that the reference was indeed a 102(e) reference and as such may be removed.

Common Ownership Statement Under §103(c)

The invention defined by claims 64, 66, 68-74 and 88 and Holman et al. (US 6837897) were, at the time the invention defined in the cited claims was made, owned by or subject to an obligation of assignment to the same entity.

Miscellaneous

Claim 62 has been canceled as being duplicative of now amended claim 73. Claim 74 has been canceled as being duplicative of claim 63 due to the amendment in claim 61.

The claims are now believed to be in condition for allowance. The prompt allowance of these claims is earnestly solicited. If the Examiner wishes to discuss further issues, he is invited to contact the undersigned.

Respectfully submitted,

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